

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

JURY DEMAND

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO
EXCEED PAGE LIMITATIONS**

Plaintiffs oppose Defendants' request for additional pages for their forthcoming motion to exclude Dr. Heeb's testimony (ECF No. 373). Dr. Heeb is one of Plaintiffs' experts. Plaintiffs have offered the testimony of four experts. Defendants have indicated that they intend to move to exclude each of Plaintiffs' experts through separate motions. Therefore, they have a total of 80 pages to use for *Daubert* motions on the expert issues in this case (20 pages each). They now seek 10 additional pages for a total of 90 pages. Defendants have provided no basis for their *Daubert* motion, let alone justification for so many pages.

Defendants have proffered two experts. Thus, while Defendants already have 80 pages for *Daubert* motions against Plaintiffs four experts, Plaintiffs only have 40 pages in which to seek to exclude Defendants' experts, Murphy and Orszag. Defendants' two experts address the same issues that Plaintiffs' four experts address.

Plaintiffs will also be moving to exclude Defendants' expert testimony. But Plaintiffs intend to be bound by the Court's page limits and will limit their *Daubert* motion, addressing

both Murphy and Orszag, to 20 total pages. Defendants, in contrast, will be needlessly filing separate *Daubert* motions. 80 pages is beyond sufficient.

Plaintiffs ask the Court to require Defendants to file a single *Daubert* motion, that would address all the expert issues, and to do so within the Court's 20 page limit, as Plaintiffs are doing. If Defendants were limited to a single *Daubert* Motion, Plaintiffs would not object to an additional ten pages for a total of 30 pages. But additional pages to attack just a single expert, when Defendants already have 80 pages worth of *Daubert* briefing to address all the expert issues, is unnecessary and excessive. *See* Fed. R. Civ Pro. 1 (the Federal Rules of Civil Procedure "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.").

Plaintiffs thus oppose Defendants' motion. If, however, the Court were to grant Defendants' motion for excess pages, Plaintiffs reserve the right to request an increase in their page limitation in their own forthcoming *Daubert* motion with respect to Murphy and Orszag, and in opposition to Defendants' four separate *Daubert* motions.

Dated: February 6, 2023

Respectfully submitted,

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